



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/824,844 | 04/15/2004 | Nikola Cargonja | 35271.34 | 6861 |
| 27683 | 7590 | 12/23/2005 | EXAMINER | |
| HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202 | | | POPE, DARYL C | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2632 | |

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/824,844

Applicant(s)

CARGONJA ET AL.

Examiner

DARYL C. POPE

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-37 is/are allowed.
- 6) ☒ Claim(s) 1-20 and 38-47 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/27, 8/19, 6/17.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

Art Unit: 2632

DETAILED ACTION

ART REJECTION:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1,3,6,10-11,16, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Finn et al(6,512,455).**

-- In considering claim 1, the claimed subject matter that is met by Finn et al(Finn) includes:

1) the emitting and detecting a wireless signal within a container, and monitoring and responding to a change of a characteristic of the signal is met by the radio transmitter(1132) emitting a signal that is received at a receiver(114a), the signal pertaining to status information of monitored objects monitored by sensor(1126), and the information being passed to a central station(1112)(see: column 16, lines 43-57).

-- With regards to claim 3, the saving a time of the occurrence of the change is met by the central station creating an event log of received signals(see: column 21, lines 14-30).

-- With regards to claim 6, the processing of the signal using an adaptive technique is met by the processing of received signals by the system of Finn(see: column 12, lines 49 et seq; column 13, lines 1-37).

Art Unit: 2632

-- With regards to claim 10, the wireless signal containing a unique identification code is met by the each impulse transmitter(1132) of a monitored object having a transmitter and asset ID capture device(see: column 14, lines 4-15).

-- Claim 11 recites subject matter that is met as discussed in claim 1, as well as:

1) the second transmitter for transmitting to a remote location is met by the communication means(1250).

-- Claim 16 recites subject matter that is met as discussed in claim 6 above.

-- Claim 20 recites subject matter that is met as discussed in claim 10 above.

3. Claims 38-39, and 41-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Breed.

-- In considering claim 38, the claimed subject matter that is met by Breed includes:

1) the monitoring whether a door is closed, and emitting a wireless signal indicating door closed position is met by the transmitters(14,14') transmitting waves into the container only when the door status sensor(24) detects door closure(see: column 11, lines 39-51).

-- With regards to claim 39, the monitoring being carried out within the container is met by the waves being transmitted into the interior of the container(see: column 11, lines 41-46).

-- With regards to claim 41, the security device with effects locking of the container door is met by the latching device of the door(18, column 11, lines 39-40).

-- In considering claims 42-43, the claimed subject matter that is met by Breed includes:

Art Unit: 2632

- 1) the container having a door is met by the doors(18) of container(10);
- 2) the first portion for monitoring door closed position is met by the door status sensor(24);
- 3) the second portion cooperating with the first portion for emitting a wireless signal indicating the door closed position is met by the interior sensor system(12) which is coupled to the door status sensor, and includes transmitters(14,14') which transmit waves into the interior of the container only when the door status sensor detects closed door, the transmission of the waves themselves being the indication of closed doors, sense they are transmitted only when the doors are closed.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 2,4-5,7-9,12-15, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finn et al(Finn).**

-- With regards to claims 2 and 12, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow wireless notification promptly after detection of the change, since there would have been an advantage for correcting a change if necessary, the sooner that a notification would have been provided.

-- With regards to claims 4-5 and 14-15, the examiner takes Official Notice that in the remote monitoring art, use of container monitoring systems including means which

Art Unit: 2632

transmit wireless notification in response to a wireless interrogation signal transmitted at a location remote from the container and as well detecting being external of the container is well known, and therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate these means into the system of Finn, since Finn already desires to be notified the status of a container monitoring system, and as well allows two-way communication from the central station.

-- With regards to claims 7-9 and 17-19, the examiner takes Official Notice that in the wireless communication art, means for detection of signal strength and phase difference for the purpose of monitoring location of monitored objects is well known in the art, and therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate these means into the system of Finn since this would have helped ensure that the status of the objects would properly monitored since signal strength and phase difference detection would have helped determine proper location of the objects in the container.

-- With regards to claim 13, the saving a time of occurrence is met by the central station creating a log of events so as to detect trends(see: column 21, lines 14-30).

6. Claims 40, and 45-46 rejected under 35 U.S.C. 103(a) as being unpatentable over Breed.

-- With regards to claims 40 and 45-46, the examiner takes Official notice that in the door position monitoring art, use of magnetic field detectors including permanent magnets for determining the position of a door is well known in the art, and therefore it would have been obvious to one of ordinary skill in the art at the time the invention was

Art Unit: 2632

made to incorporate the magnetic field detectors including magnet into the door status sensor(24) as a means of determining door position status, since this would have provided a reliable and inexpensive means for determining door status in the system of Breed.

7. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Breed in view of Auerbach et al(6,753,775).

-- Claim 47 recites subject matter that is met as discussed in Breed above, except for:

1) the security device which effects locking of the container door, detects unauthorized tampering and emits a signal indicating unauthorized tampering.

Although not taught by Breed, use of container security devices is well known in the art. In related art, Auerbach teaches a container monitoring system which utilizes a door latch with locking element and wherein a signal pertaining to the status of the locking element is transmitted to a remote station for monitoring(see: abstract).

Since Breed already desires to monitor door status via door status sensor, it would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the door locking element into the system of Breed, and emit a wireless signal indicating unauthorized tampering, since this would have ensured proper monitoring of the objects carried in the container, thereby helping to prevent tampering with the objects while in the container.

Allowable Subject Matter

8. Claims 21-37 are allowed.

Art Unit: 2632

9. The following is a statement of reasons for the indication of allowable subject matter:

The primary reasons for the allowance of claims 21-37 is the ignoring the presence of the condition by determination of the container moving.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARYL C. POPE whose telephone number is 571-272-2959. The examiner can normally be reached on M-TH 9:00-7:30.

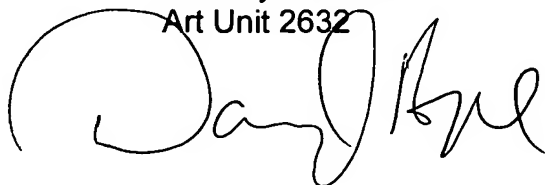
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DANIEL J. WU can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daryl C. Pope

Dec. 6, 2005

DARYL C POPE
Primary Examiner
Art Unit 2632

A handwritten signature in black ink, appearing to read "Daryl C. Pope", is written over the printed name and title of the examiner.